CHAPTER SIXTEEN

McGEHEE V. CIA

This paragraph [of the Complaint] is denied except that defendant admits that the Central Intelligence Agency (CIA) is an agency of the United States.

-- CIA Answer to
lawsuit filed by
Fielding M. McGehee III

Carolyn and Annie believed that the Central Intelligence Agency wanted to destroy Peoples Temple. Don Freed and Mark Lane fueled that belief by uncovering a "conspirator". In addition, Freed said that an official in the Guyanese Ministry of Justice knew of a CIA agent working in Jonestown. Annie's last letter to me reflects Freed's influence:

> Mom and Dad have probably shown you the latest about the conspiracy information that Mark Lane, the famous attorney in the M.L. King case and Don Freed the other famous author in the Kennedy case have come up with regarding activities planned against us -- Peoples Temple.

A few weeks after I received her letter, Annie was dead. Her words about conspiracy still fresh, Mac and I immediately thought of the CIA. It wasn't far-fetched to believe the CIA might have been interested in Peoples Temple. A group of 900 Americans, mostly black, had moved to a socialist country, taking millions of dollars with it. The group espoused socialist ideals. Its leaders talked of emigrating to the Soviet Union, and met with Soviet officials in Guyana.

We decided to get some evidence from the agency itself through the Freedom of Information Act (FOIA). On December 6, 1978, nineteen days after the suicides, Mac asked the CIA for all documents in its files relating to:

1. The Peoples Temple which was founded in Indianapolis in the 1960's and which had subsequent addresses in Ukiah, Redwood Valley and San Francisco, California, and Jonestown, Guyana;
2. The Agricultural Project, or Peoples Temple Agricultural Project, in Jonestown, Guyana;
3. Jonestown, Guyana;

4. The late Rev. James Jones, minister of Peoples Temple;
5. The late Carolyn Moore Layton, who died in Jonestown on November 18, and who has been described by several newspapers as the co-ordinator of Peoples Temple in Rev. Jones' absence;
6. Information on Peoples Temple "defectors", "hit squads", and "assassination teams".

An FOIA caseworker at the CIA told us it was one of the most thorough requests filed on Peoples Temple.

We made the request under the auspices of the Military Audit Project, the public research organization where Mac worked. We thought the organizational affiliation would give us more credibility and speed along our request. It did neither.

An unbelievable series of delays and deceptions followed. The CIA had already made at least two searches for records on the church, one in August 1977, and one on December 5, 1978 -- the day before Mac wrote his request. Conducted in response to Congressional inquiries, both searches turned up documents. When we talked with CIA employees that December, no one told us of those searches.

Instead, the Information and Privacy officer assigned to our case persuaded Mac to limit his request to Peoples Temple. Mr. Rochester said some categories would duplicate documents in the general Peoples Temple files. Faced with a $55 computer search on each item, we agreed to narrow the request to one subject: Peoples Temple.

As a result, we did not receive all the relevant documents we initially asked for. This later became an issue in the lawsuit. The date we limited the request, December 22, would also become a critical factor.

Mr. Rochester estimated the request would take three months to process. Mac called him in March 1979 and every three months thereafter to see how our request was progressing. In October 1979, Mr. Rochester gave us an encouraging reply. The agency was examining the records, he told us, and processing our request.

We outlasted Mr. Rochester. A year after Mac wrote his initial letter, he talked to "Frieda". Frieda refused to give him her last name. "It isn't important," she explained. "Everyone here knows who I am." She said she wasn't an FOIA caseworker, but wouldn't say what she was. We concluded her name was an acronym for Freedom of Information Act, and that she was assigned to handle troublemakers like us.

Frieda's mystique grew when she reported that nothing had been done on our request. She added that Mr. Rochester had left a note in our file saying we'd been informed of that in our last call. When Mac asked when we could expect the agency to act, Frieda refused to speculate. More than 550 requests stood ahead of ours, waiting to be processed first. Although Mac pressed her -- "1981? 1982? 1984?" -- she declined to say anything.

Mac asked her to transfer his call to someone in authority with a surname who might be able to answer some questions. He talked with the Acting Information and Privacy Coordinator, Charles Savige. Mac asked if anyone had ever sued the CIA on the issue of excessive delays, hoping the threat of litigation might stir the agency into action. It didn't work. Savige said 20 such suits had been filed in 1979, and 17 others were filed in the first two months of 1980. Savige casually added that Mac could sue that minute, since the CIA had, in effect, denied his request by exceeding the 10-day statutory time limit. Without elaborating, Savige said some litigants were able to convince the courts that their requests should be expedited. Others weren't.

Savige could afford to be smug. The CIA still had the case of Open America v. Watergate Special Prosecution Force to excuse its delays in handling FOIA requests.

One of the 1974 amendments to the Freedom of Information Act required federal offices to answer requests within ten working days of receipt. The agencies were also to decide administrative appeals of initial denials within twenty working days. Congress added a qualification, however, by allowing agencies to exceed the time limits if "unusual circumstances" caused unavoidable delay.

The amendment plugged a loophole in the original law. The 1966 Act contained no statutory timetable whatsoever. As a result, agencies could -- and did -- ignore FOI requests until the information sought lost its value.

The first significant attempt to enforce the new time limits failed. A public interest group seeking access to files compiled by the Watergate special prosecutor's office in the Justice Department learned that Justice had a backlog of over 5000 requests. Having received no response from the department within ten days, Open America filed an administrative appeal. Twenty days later, the group sued the Justice Department in U.S. District Court for the District of Columbia.

In October 1976, eighteen months after the amendment went into effect, the court decided that the sheer number of requests pending before an agency could represent the "unusual circumstances" anticipated by Congress

when it adopted the extenuating language.

The CIA guaranteed that it would always have a backlog by keeping the number of employees working on FOI requests to a minimum. That gave the agency a reason for its lengthy delays. In 1978, for example, the year Mac made his request, the agency acted upon 1254 others, a number which fell noticeably short of the 1608 it received. And there was already a substantial backlog of 762 cases when the year began. The result: the agency ended 1978 with 1116 unanswered requests. The magnitude of the CIA's backlog persists to this day, and the intent of the 1974 amendment remains unfulfilled.

In a 1982 report to Congress, CIA Deputy Director for Administration Harry E. Fitzwater admitted that the CIA rarely meets the ten-day statutory limit. "In almost all instances, " he wrote, "the deadline for responding to requests and appeals expired prior to our actually working on them." But Fitzwater failed to note the irony of blaming delays on litigants when he observed that:

> Some requestors, understandably impatient over the lack of response, file administrative appeals or go into early litigation, thereby further slowing the process as we move resources to meet the priority demands of litigation.

As a result of his conversation with Savige, Mac decided to make a few more requests. He asked for all the information the CIA had already released on Peoples Temple. Savige assured him the agency hadn't given out anything, not even a press release after the suicides. He added that the policy of the FOI office was to pool all requests on the same subject, and to answer all of them at the same time, regardless of the date the office received them. We wanted to get that policy in writing, and to make sure our request was travelling with the others on the Temple.

The CIA answered the second request quickly. "To date," Savige wrote on March 20, 1980, "no information has been released by this Agency concerning the Peoples Temple." This was somewhat misleading. The CIA had in fact located documents in response to the two Congressional inquiries, but had not released them.

That summer we began to consider suing the CIA. The second anniversary of Jonestown, and of our FOIA request, would pass in a few months. During those two years we had learned a number of things which strengthened our conviction that the CIA had some involvement in Peoples Temple. We didn't know the extent of the involve-

ment, but we believed that it existed. The recent history of Guyana proves that.

In 1953, while still a British colony, Guyana held its first elections based on popular vote. Cheddi Jagan, an Indo-Guyanese dentist, and the People's Progressive Party (PPP) won in a landslide. But the PPP was Marxist, and an independent Marxist or communist government in Guyana was intolerable to British and American interests. The British ousted Jagan and suspended the constitution.

The movement for independence soon split along personal and ideological lines. Linden Forbes Burnham, a former Jagan ally, took a faction of the PPP and formed a new party, the People's National Congress (PNC).

Jagan continued to win the popular elections in 1957 and 1961. But turbulent strikes and demonstrations marred the stability of his government in the early 1960s. In 1964, columnist Drew Pearson wrote that the CIA and British security forces had fomented the violence. An account by P. I. Gomes, author of a chapter on Guyana in New Mission for a New People: Voices from the Caribbean, said:

> The conservative-led TUC [Trade Union Congress] engaged in an 80-day strike against the Jagan government, and their strike costs of over $1,000,000 were paid by the C.I.A. through the Guyana representative of Public Service International, with the connivance of the British Prime Minister, Colonial Secretary and head of security of the British government.

The CIA also used an American trade union to provoke confrontations between Afro- and Indo-Guyanese as well as labor unrest. Two CIA operatives ran the International Division of the American Federation of State, County and Municipal Employees (AFSCME), funneling money and assistance to Jagan's opponents in the labor movement. According to a 1967 New York Times article:

> The agents gave advice to local union leaders on how to organize and sustain the strikes. They also provided funds and food supplies to keep the strikes going and medical supplies for pro-Burnham workers injured during the turmoil.
>
> At one point, one of the agents even served as a member of a bargaining commit-

tee from a Guiana dike workers union that was negotiating with Dr. Jagan.

In 1964, newly-elected AFSCME President Jerry Wurf disbanded the International Division and cut all ties with the CIA. The severance came too late, though. The strikes had left 200 Guyanese dead and hundreds more injured. And Forbes Burnham had a vehicle to bring him to power.

Frustrated with an electorate that continually chose Jagan over Burnham, the British government changed the voting system to ensure Burnham's success. In the 1964 election, Jagan and his party captured 46% of the total number of votes. But under the rigged scheme, the PPP picked up only 8.6% of the "proxy" votes required by the British. Burnham finally won an election in Guyana.

Britain gave Guyana its independence two years later.

Unwilling to risk defeat in the 1968 election, the CIA provided the Burnham government with a new voter registration program. The Shoup Registration System International, a CIA-front organization, made up the registration lists. According to Covert Action Information Bulletin, a publication devoted to exposing CIA interference in foreign countries, the lists "were heavily padded by including horses, deceased citizens and hanged criminals." Shoup also co-ordinated the 1966 voter registration drive in Viet Nam. The Pennsylvania-based company has since disappeared.

Burnham won the election, but his party did not have the two-thirds parliamentary majority required by Guyana's constitution. To make sure he wouldn't fail in the 1973 election, the Guyana Defense Force seized the ballot boxes and held them for twenty-four hours. Burnham got his majority, and it gave him the strength to declare the "paramountcy" of the People's National Congress -- the ruling party -- over all agencies of the government.

To avoid embarrassing problems in the future, the PNC, and Burnham, passed the Referendum Act in the summer of 1978. The Act proposed a national mandate for a new constitution which, among other things, would create an "executive presidency". In effect, Burnham could become president for life.

Widespread opposition led to a boycott of the election, and independent observers reported a twelve to fourteen per cent turnout. Burnham, however, claimed that 75% of the electorate gave him a victory. That election postponed future elections for fifteen months while the Guyanese parliament rewrote the constitution.

City street in Georgetown, Guyana, 1979.

Burnham delayed elections again in October 1979, since effective opposition was growing. The People's Progressive Party and the Working People's Alliance (WPA), a new party, shared the support of eighty per cent of the Guyanese. Popular dissatisfaction with Burnham made the prime minister escalate the violence begun in the 1960s by the CIA. Political assassinations started.

As early as 1973, gunmen shot and wounded a University of Guyana biologist who was active in the WPA in its infancy. Police traced the getaway car to Hamilton Green, the Health, Housing and Labor Minister. Green also happened to be Burnham's cousin. There were no arrests.

The successful assassination attempts came in 1979 and 1980, after Jonestown. They included the fatal stabbing of Catholic Standard reporter Father Bernard Darke in full view of the police; the shooting death of Minister of Education Vincent Teekah; the murder of two WPA activists within days of each other; the firing and disappearance of Security Chief James Mentore; and the assassination of WPA activist and Marxist historian Walter Rodney in a bomb blast.

The death of Rodney climaxed a year of civil unrest and protest over the growing repression of the Burnham government. The July 1979 anniversary of the rigged election on the referendum triggered mass protests and demonstrations. After one rally, Burnham's party headquarters were burned; the country's records on Jonestown burned with it. Witnesses claimed that men in Guyana Defense Force uniforms set the fire.

Burnham blamed the opposition, and arrested eight leaders in the Working People's Alliance. Police

charged three with arson: two lecturers from the University of Guyana and Dr. Rodney, a former lecturer at the University of Dar es Salaam in Tanzania. Rodney had been asked to teach at the University of Guyana in 1978. When the Pan-Africanist returned to Guyana, however, his position at the university vanished.

The arrests, followed by Father Darke's stabbing at a protest demonstration, precipitated a major strike among bauxite workers -- those Afro-Guyanese who had been Burnham's primary supporters. Clerical workers, the National Association of Agricultural, Commercial and Industrial Employees, and the Staff Association of the University of Guyana joined the bauxite workers. One-quarter of the nation's 80,000 workers went on strike.

Aside from demanding that the government honor its promise for increased wages, the workers requested that the United Nations send observers to monitor the elections scheduled for October. Strikers accused the prime minister of corruption, mismanagement and dictatorship, according to an article in The New York Times. The prime minister responded by sending his goon squad, the House of Israel, to break up the strike. He postponed the elections as well.

The trial of Rodney and the others on arson charges did not begin until almost a year after their arrest. Lincoln van Sluytman, a member of the WPA's support committee in New York, described the opening of the trial this way:

> The worldwide publicity surrounding the case led a group of international observers to attend the trial proceedings which began June 2, 1980. As a result, Burnham's chances of quietly locking away his enemies seemed very slim.
>
> The enemy had to be silenced.

On June 13, as Walter Rodney sat in a parked car with his brother Donald, a bomb concealed in a walkie-talkie exploded in Walter's lap, killing him instantly. Although injured, Donald escaped and hid with friends. He explained that his brother was supposed to test the walkie-talkie from inside the Georgetown prison. On instructions from Timothy Smith, a GDF electronics expert, Walter Rodney was to look for a signal light on the radio before trying to speak. The government's first description of Rodney's death followed this preplanned script for the assassination. "Official accounts first said that a man had been killed outside the walls of the Georgetown Jail," reported Covert Action,

> when a bomb he was carrying to blast the prison detonated. The government claimed that the corpse was not immediately recognizable because the face had been blasted away.

But Rodney died a block away, in his car. And, unfortunately for the government, he was recognizable. Additionally,

> further evidence of the government lie comes from witnesses at a Georgetown cocktail party who recall that [GDF] Chief of Staff [Norman] McClean excused himself at 8:45 p.m. on the 13th -- within minutes after it happened -- to meet with Burnham and others, saying Walter Rodney had been killed in an explosion. This was despite official allegations that it was not known until much later who had been killed.

Coincidentally, McClean and Health and Labor Minister Green traveled to Washington, D.C. twice during May, the month before Rodney's death. McClean allegedly confided that their purpose was to acquire "electronics communications equipment". Sgt. Timothy Smith disappeared.

That December, Burnham finally held the election he had postponed for two years. An international team of observers went to Guyana to monitor the process, and came away charging the police with harassment. Eric Avebury, chairman of the United Kingdom Parliamentary Human Rights Group, claimed police confiscated his notes, tapes, camera and film, detaining him twice. Other irregularities included a day's delay in the vote counting.

On December 17, 1980, the PNC declared itself victorious. The party's success at the polls was "fraudulent in every possible respect," said Avebury. Forbes Burnham, newly-made Executive President with enormous police and veto powers under the new constitution, got five more years.

Things have deteriorated still further since then. The Nation reported in 1983 that:

> Members of opposition groups are frequently detained, and the once-independent judiciary is now firmly under Burnham's thumb. A parliamentary delegation from Canada recently described the human rights situation in Guyana as "repugnant". The delegation found that citizens were being tortured and reported the existence of death squads.

The House of Israel, another group of Americans based in Guyana, does the dirty work for Burnham and the People's National Congress. Led by an American criminal who jumped bail and ended up in Guyana, the House of Israel operates as a paramilitary organization. The "cultists" -- mostly unmarried young men between the ages of 16 and 25 -- wear the colors of the PNC as they break up strikes, harass demonstrators, and in some cases, assassinate Burnham's opponents.

It is a mystery how David Hill, a convict wanted by the FBI, made it to Guyana in the first place. Still more mysterious is why he was never extradited. In any event, the press has established that House of Israel thugs stabbed Father Darke to death and beat up other protestors at the same demonstration; that their headquarters also serves as a bomb factory, which the country's insurance director refused to insure; that they have supplied manpower as strike breakers; and that they terrorize the families of strikers in their homes.

Certainly the role Jim Jones played in the Burnham regime was curious. The Peoples Temple hierarchy maintained frequent, and even intimate, contact with government officials, discussing problems like the Stoen custody case, visits from unfriendly relatives, and, of course, Leo Ryan's trip. One Temple member was the mistress to Guyana's ambassador to the United States, Laurence Mann. Many Guyanese citizens we talked with felt that something was going on between officials in the Burnham government and the church. A reporter told us, "The whole story of the relationship won't come out until Burnham's out."

Some have claimed that Jim worked for the CIA. We received an anonymous letter, postmarked Oakland, California, which charged that:

> [Jones] said he was working for the government -- the CIA people, who were using the Peoples Temple members as guinea pigs in a mind control experiment. That if this worked, it would later be used elsewhere on a massive scale after the terrible depression came, on those who would not do what the government ordered them to do.

Several newspapers reported that Jim told a Swedish journalist, "All my thoughts are coming from the CIA."

We found no evidence to support the assertion that Jim Jones worked for the Central Intelligence Agency. We

did learn of some interesting coincidences, however. For example, when Jim lived in Brazil, "his neighbours believed he was a secret agent," according to an article in the Guyana Chronicle. The story, based on an article in a Brazilian daily,

> quoted neighbours as saying that Jones never carried out any religious activities while in the city and added that his behaviour was strange and mysterious.
>
> One of them added: 'He always said he had come to Brazil to rest, but he left his house each morning holding a leather brief case and only returned in the evening.'

Another intriguing coincidence was the CIA's investigation of Jim. On June 26, 1960, the State Department issued a passport to Jim and Marceline. Their application noted plans for a seventeen-day trip to Poland, Finland, the USSR and England. Although they didn't go to Europe and the Soviet Union, a trip to Cuba undoubtedly prompted the State Department to forward their passport information to the FBI, the CIA, and the House Committee on Un-American Activities. That same month, September, someone in the CIA's Office of Security "expressed interest" in Jim. A document written following the suicides and released -- with many deletions -- under the Freedom of Information Act, describes the "interest":

> A check on the name James Warren Jones shows that in September 1960 [name deleted by CIA] requested a name check from the Office of Security [deletion] expressed interest [deletion]. A check [deletion] showed that the case was marked closed and that no interview apparently ever took place. Phone calls [deletion] on 5 Dec 1978 failed to turn up any evidence that Jones was ever contacted.

On November 29, 1960, the CIA concluded that "our completed security checks on this person have disclosed no pertinent derogatory information."

Six months after the suicides, Cuban-born American Carlos A. Foster described Jim's 1960 visit to Cuba in an interview with The New York Times. Foster claimed, "Mr. Jones had told him he had gone to Cuba because he believed many Cubans were eager to escape the austerity and economic chaos that followed Fidel Castro's overthrow of Fulgencio Bautista on January 1, 1959, and that

they might readily accept an offer to live in a commune in the United States." The Times continued Foster's story:

> After working with Mr. Jones in Cuba, Mr. Foster, who is black, says he lived as a virtual prisoner in Mr. Jones' home in Indianapolis for two months. Mr. Jones told him his white middle-class neighbors were not accustomed to seeing black people, he reports, and that if the Cuban left the house alone, he would be lynched.

Ironically, almost twenty years later, black Temple members would discuss their interest in moving to Cuba with representatives of the Cuban Embassy in Guyana.

The United States' interest in Burnham is equally curious. Why does the U.S. want to keep him in power, if his government is as socialistic as he claims? After all, the government controlled 80% of the nation's economy by 1976, making Guyana the most socialized nation in the Western Hemisphere outside of Cuba. Control of industry came by nationalizing foreign-owned bauxite, rice and sugar companies. These included American companies, like Reynolds Metals.

Political and commercial partnerships between the United States and Guyana deteriorated markedly during the 1970s. And when Guyana seemed to "tilt" favorably towards Cuba, the U.S. government cut foreign aid to almost nothing. Meeting with Guyanese officials in August 1977, U.S. Ambassador to the United Nations, Andrew Young, said the total contribution from the U.S. to Guyana that year was $1.5 million.

Relations between the two countries hit bottom in 1976 when Burnham blamed the American government for the sabotage of a Cuban airliner. Cuban exiles were suspected of planting a bomb which killed 73 persons. Eleven of the dead were Guyanese. The Prime Minister raised questions about the involvement of Joseph Leo, legal attache in the U.S. Embassy in Caracas, Venezuela. The State Department later admitted that Leo had helped one of the bombing suspects get a U.S. visa.

The two nations overcame their differences, however, during the critical years of Jonestown's development, 1977 and 1978. According to figures appearing in the October 15, 1980 issue of The Guardian, U.S. aid to Guyana jumped from $2 million in 1976 to $24.7 million in 1978. This about-face also coincided with the failure of Burnham's four-year development plan "to feed, clothe,

and house the nation by 1976." Domestic food production had fallen drastically by the end of the four-year period. Sugar production barely met pre-1970 levels.

International lending institutions followed the lead set by the United States. The International Monetary Fund (IMF) loaned $81 million to Guyana in 1979 as the country balanced on the edge of bankruptcy. The following year, IMF loaned another $133 million over a three-year period. The fund required "austerity" measures as conditions of both these loans. Guyana had to reduce public sector jobs, and raise prices. As a result, the Guyanese have had to endure cuts in electricity and transportation; cuts in social security benefits; and, since government subsidies were withdrawn, increases in the prices of necessities like milk, rice and flour. They got little in return, since 1979 debt payments for nationalized industries gobbled up 58 per cent of the country's revenues. That same year, when President Jimmy Carter and Prime Minister Forbes Burnham signed an agreement in which the U.S. promised to provide economic and technical assistance to Guyana, a third of the country's labor force was unemployed. The national minimum wage, adopted in 1978, was abandoned.

Throughout the 1960s and into the 1970s and 1980s, the U.S. State Department responded to developments in Guyana by sending some unusual diplomats to the U.S. Embassy in Georgetown. Richard Dwyer, the Deputy Chief of Mission wounded at the Port Kaituma airstrip, was identified as a CIA employee since 1959 in the 1968 edition of Who's Who in the CIA. He moved on to Grenada after Guyana. Robert Ode, the retired Foreign Service Officer assigned to the U.S. Embassy in Georgetown shortly after the suicides, turned up in another trouble spot less than a year later. He was one of the hostages seized by Iranian militants at the U.S. Embassy in Tehran. Richard Welch, the CIA Chief of Station who was assassinated in Athens in 1977, worked with the CIA mission in Guyana in 1966. And in 1983, the U.S. Ambassador to Guyana, Gerald E. Thomas, was described as "the candidate of the right [wing]" for the ambassadorship in El Salvador. He failed to be selected.

One Foreign Service Officer with a documented intelligence background was Richard McCoy, consul for the Embassy in Georgetown. McCoy makes no secret of his role in a U.S. Air Force counter-intelligence team.

It was U.S. Ambassador to Guyana John Burke who aroused our interest the most. While trying to reach Ambassador Burke, John Hanrahan learned he worked with an agency called "National Collection". According to

the phone company, the agency's number had a CIA prefix. Hanrahan then called the CIA's general switchboard and asked for John Burke. "He is at 351-5381," the switchboard operator said. "Do you wish to be connected?"

Nevertheless, Burke insisted his job was not with the CIA. Rather, he said, he'd been "detailed to the Intelligence Community Staff of the Directorate of Central Intelligence," a group of representatives from a number of agencies. Burke said he couldn't comment about any possible CIA foreknowledge of the suicides. "As far as the Embassy in Georgetown is concerned when I was down there," he added, "there were no CIA operations that I was aware of."

If anyone in Georgetown were likely to know of CIA action in Guyana, Burke would. A former librarian and lieutenant commander in the Navy, he joined the State Department in 1956. His career skyrocketed. During the 1960s, when his assignments focused on Viet Nam, he received five promotions. In 1963, he worked as Assistant Saigon Deputy Chief of Political Section; in 1967, he became Director of the Viet Nam Working Group back in the United States.

Burke transferred his interest from the Far East to the Caribbean in the 1970s. In May 1970, less than a month after Haitian dictator Francois Duvalier weathered a brief revolt, Burke went to Port-au-Prince as Deputy Chief of Mission in the Consular Section of the American Embassy. Blaming the rebellion on "a communist conspiracy", Duvalier asked the U.S. to lift a ban on arms sales to his country imposed by President Kennedy. The Nixon Administration okayed this, and the State Department immediately authorized one million dollars worth of private weapons sales. The U.S. government also increased economic assistance to Haiti beginning the next year.

In 1972, Burke returned to East Asia, becoming the Deputy Chief of Mission at the Embassy in Bangkok, Thailand. At the time, Cambodian refugees were pouring across Thai borders, victims of America's attack in 1970, and later, of the Khmer Rouge purge.

John Burke's career thrived on American interventionism. His presence in Saigon in the early 1960s; his leadership of the Viet Nam Working Group in the second half of the decade; his transfer to Haiti when arms sales to that country resumed; his timely appointment to Guyana a year before the Jonestown suicides; and his current work with the Intelligence Community Staff of the CIA, all indicate involvement with our country's efforts to manipulate the rise and fall of foreign governments.

U.S. embassies around the world house CIA opera-

tives, since embassy positions like "political officer" or, as in Burke's case, "Deputy Chief of Political Section" serve as perfect and convenient cover. An executive order allows agents to work under embassy cover, according to John Marks, co-author of The CIA and the Cult of Intelligence. One-fourth of all State Department "employees" who work abroad are CIA agents, he says. In a 1974 article titled "How to Spot a Spook", Marks wrote: "In places such as Argentina, Bolivia, Burma and Guyana, where the agency has special interests and projects, there are about as many CIA operatives under cover of substantive embassy jobs as there are legitimate State employees."

John Hanrahan's discoveries about Ambassador Burke, his research into other officials working for the American Embassy in Guyana during the years Jonestown flourished, coupled with his conversations with State Department employees and Congressional staff members, made him conclude in July 1980 that "all paths seem to lead to the CIA." Others came to that conclusion more rapidly.

Within days of the mass suicides, rumors circulated about CIA participation in the tragedy. With little more than vague suspicions and unusual coincidences to go on, leftist writers and publications belittled the CIA's immediate denial and began promoting their own theories.

"What kind of covert program has the U.S. been carrying out in Guyana?" Dierdre Griswold asked in the Worker's World. "And what possible relationship might they have had with this fantastic event?" The Black Panther Party answered the questions a week later. "We charge genocide," headlined the editorial in the December 2, 1978 issue of the party's biweekly newspaper. The editors listed salient coincidences in the death of Peoples Temple: the discrepancies in the body count during the first week; the physical appearance of the bodies; and the similarity of drugs found in Jonestown with those used in the CIA MK-ULTRA mind control experiments.

The Black Panther newspaper also reported that Dr. Laurence Layton -- father of Larry Layton -- had directed the Army's chemical warfare project at the Dugway Proving Ground in Utah. In the early 1950s, the paper added, Dr. Layton helped develop nerve gas.

The Chicago Defender then charged that one Temple member, Phil Blakey, had served as a mercenary and mercenary-recruiter for the Union for the Total Independence of Angola (UNITA), the CIA-sponsored force in Angola. Blakey allegedly worked in the African country in 1975

and remained in touch with people in the mercenary world.

When Leo Ryan's aide picked up publicity on the CIA-Jonestown connection, the rumors suddenly gained respectability. Although most of Joe Holsinger's allegations came straight from the pages of The Black Panther, the aide had a few new ones, too.

Holsinger asserted that U.S. Embassy officials Richard Dwyer and Richard McCoy, Temple member Tim Carter, and Guy Spence, one of the pilots at the Port Kaituma airstrip, were agents or informants for the CIA. He also believed that the CIA set up Ryan's assassination because the California Democrat co-sponsored the Hughes-Ryan Amendment -- the law which requires prior Congressional approval of all CIA covert operations.

Holsinger claimed in testimony before a House Foreign Affairs subcommittee that the CIA had conducted a covert operation in Guyana, and that Jonestown was part of it. Holsinger's allegations included:

(a) The contention that the CIA conducted a varied range of 'activities' in Guyana;
(b) The contention that a CIA agent witnessed Representative Ryan's assassination;
(c) The contention that the CIA may have violated the Hughes-Ryan Act by failing to report a covert operation in Guyana;
(d) The contention that the CIA made a conscious decision to allow the tragic events of November 18, 1978 to occur in order to avoid disclosure of CIA covert activities in Guyana;
(e) The contention that this alleged reporting failure was conscious and calculated because Representative Ryan was a co-author of the Hughes-Ryan Act; and
(f) The contention that the CIA was used to promote and protect American commercial interests in Guyana.

The aide's accusations led to a second investigation into Jonestown, following the May 1979 Foreign Affairs Committee report on Ryan's death. The first investigation had found "no conclusive evidence" of CIA involvement. But a Congressional staff member told John Hanrahan that "the CIA pulled a fast one." He explained that the committee had been "restrained" in its initial study. Hence, the enigmatic sentence was "crafted with excruciating care."

In 1980, the Foreign Affairs Committee staff for-

warded Holsinger's contentions to the House Permanent Select Committee on Intelligence. On the second anniversary of the Jonestown suicides, the committee said there was "no evidence at all" of CIA involvement. The agency had no connections with Jim Jones, nor foreknowledge of the suicides. The committee did not make a report to the Foreign Affairs Committee nor to the public. Instead, it announced its findings in a two-page letter. As far as the Intelligence Committee was concerned, the case was closed.

What kind of study was it? For one thing, committee staff merely retraced the steps of earlier investigators. They reviewed the material the CIA provided the Foreign Affairs Committee, according to CIA notes. For another, the committee failed to interview the man who started the CIA rumor, presidential aide Les Francis.

Joe Holsinger claimed that Francis told him the night of November 18 that, "We have a CIA report from the scene." Francis now denies mentioning the CIA. "I think I told him there was an intelligence report that the Congressman had been killed," he explained to John Hanrahan. He then added that he might have said "we have intelligence", using "intelligence" as a synonym for "information". He did note that the State Department, not the CIA, was the agency providing him with news that confusing and chaotic evening.

Evidence indicates that Holsinger is probably right, and Francis, cautious. The CIA did indeed provide the earliest reports of the deaths. The "After Action Report: 18 - 27 November 1978" by the Defense Department includes the following chronology of events:

TIME (EST*)	EVENT
Saturday, 18 November 1918 [7:18 p.m.]	SecDef [Secretary of Defense] alerted NMCC [National Military Command Center] of shooting incident in Guyana involving Congressman Ryan...
Sunday, 19 November 0329 [3:29 a.m.]	CIA NOIWON [National Operations Intelligence Watch Officers Network] reports mass suicides at Jonestown.

* Eastern Standard Time

Not only did the CIA first notify the Defense Department of the mass deaths, it may have known the

poisons involved. A Defense Department cable notes that a medical evacuation team leaving Charleston Air Force Base "should include personnel to treat poison victims with necessary poison antidote."

We'd waited almost two years for the CIA to act on our Freedom of Information request when Mac asked John Hanrahan if he thought we should sue over the delay. "I was thinking of suggesting that you spend your money on that, rather than pouring more into the investigation," he replied. With Congress considering a new charter for the agency which would completely exempt it from FOIA requirements, a suit seemed even more urgent. Several proposals placed our own request in jeopardy. We felt we had a fairly good legal case on the delays. Combining our concerns with another fruitless conversation with "Frieda", helped us decide. We would sue the Central Intelligence Agency.

Our experience with the agency coincided with the interests of an attorney at Public Citizen's Freedom of Information Clearinghouse. Katherine Meyer testified before a Senate committee earlier in 1980 on excessive delays in agency compliance with the FOIA. In the fall of that year, the Clearinghouse decided to take our case. Kathy would be our advocate. She began by appealing the CIA's de jure denial of the 22-month-old request.

The CIA gave her the same answers it had given us. The new Information and Privacy Coordinator, John Bacon, wrote: "We are still unable to give you a precise completion date for the initial request relating to documents on Peoples Temple." We could seek judicial review of his decision, he added, if we didn't like it.

On November 21, 1980, Kathy filed our suit against the CIA, asking the U.S. District Court in Washington, D.C. to order the agency to process the request and to provide us with the information we wanted. We drew Judge Oliver Gasch, who was generally unsympathetic to any case challenging national security claims. Kathy was dismayed. "I expect to end up in the Court of Appeals on this one," she told us.

On January 19, 1981, the CIA provided what Kathy called "the stock government Answer for an FOIA case: deny everything." We couldn't believe the CIA was serious, though. A frequent refrain was:

> No response to this paragraph is ... required. To such extent, however, as response may be deemed necessary, it is denied.

A more humorous one was:

> This paragraph is denied except that defendant admits that the Central Intelligence Agency (CIA) is an agency of the United States.

And, to cover all its bases:

> Any allegations not herein before specifically admitted are denied.

The agency's first substantive reply came shortly before a court hearing in the spring of 1981. U.S. attorneys admitted the agency had located documents relating to our request. After further negotiations, the government lawyers agreed the CIA would process our request within 60 days, release the documents we could have, and provide a detailed index to the ones we couldn't.

Judge Gasch formalized the agreement with a court order directing the CIA to come up with the papers by May 5, 1981. Gasch had allowed the agency to claim special treatment in the past. This time, however, he told CIA attorneys he didn't see why they couldn't turn over some of the documents before the next court date. It was a minor victory.

We realized how minor it was, once we received the CIA's records on Peoples Temple. Of the 84 documents it identified, the CIA withheld 26 entirely; released 18 with substantial deletions; and released 12 in full. The remaining 28 documents came from other agencies -- the State Department and the FBI -- which the CIA claimed prevented their release to us.

Some of the material the CIA released had only a single paragraph, or a few lines left after everything else had been blacked out. Document No. 43, for example, was an Intelligence Information Cable dated November 27, 1978. The first page read:

> COUNTRY: Guyana
> SUBJECT: (deleted)
> SOURCE: (deleted)

Page two was slightly more informative:

> 3. The Jonestown incident, wherein 914 people died in a mass murder/suicide, has caused such a furor that many Guyanese have temporarily forgotten about their economic plight.

The third page was completely blacked out.

We learned several things from the exemptions themselves, though. First, the CIA did have agents working in Guyana in 1978. Document No. 12, for example, "consists of three paragraphs containing information which identifies at least two sources providing this intelligence." In this instance, and throughout the documents, the CIA used the FOIA's national security exemptions, because "release of this information would identify the particular intelligence methods and sources used and enable hostile entities to take measures to counter or neutralize them."

Second, it's likely that the CIA had at least one, and possibly two bases of operation in Guyana. The agency repeatedly deleted material "which identifies the location of a CIA field installation."

Finally, the CIA frequently denied us files because of the "jigsaw theory". If the CIA thinks disclosure might provide a piece missing from a larger intelligence puzzle, it will withhold a document. So the CIA frequently told us that, "This information includes such specific detail that its release would make the identity of the source evident to a participant to the described events or enable a knowledgeable reader to discern or deduce the identity of the source."

We were surprised by how few files the CIA had. One item in particular made us think we didn't have everything. We found a reference to a 1960 file under the heading, "The Rev. Jimmie Jones". In response to an August 1977 request for information on Peoples Temple from a Congressional staff member, the CIA said it had no identifiable records relating to "espionage, international terrorism, or drugs." Its search did turn up a file on Jim Jones, but the staff member didn't get it. He hadn't asked specifically for information on "Rev. Jimmie Jones".

A few months later, the CIA admitted it had excluded information on Jonestown, Jim Jones, and the assassination of Leo Ryan when it responded to Judge Gasch's order to provide documents on Peoples Temple. The admission didn't come in a conversation with Kathy, nor did it appear in the court record. It came in a letter John Bacon, the CIA's Information and Privacy Coordinator, wrote to the federal public defender preparing for Larry Layton's trial in San Francisco. We learned about it when the public defender sent us a copy of the letter.

We didn't get any of those documents, even though that was precisely what Mac asked for in his initial re-

quest. After all, he had agreed to drop those categories and confine the agency's search to records on Peoples Temple. Nevertheless, Kathy felt the reference to the Jimmie Jones file might be a wedge to force the CIA to conduct a more thorough search for additional records and to release more material.

The wedge took shape as an affidavit in which Mac described the delays and frustrations we'd experienced. He gave six reasons for believing the CIA had more information on Peoples Temple, including:

> The CIA knew [the Jimmie Jones file] existed on December 5, 1978... which was before I filed my Freedom of Information request. This leads me to believe that all statements by the CIA in response to my request ... were misleading...
>
> The CIA has conceded ... that it has not searched all of its files which may contain ... documents.

The agency's delays, its contradictory statements, and the attitude of its FOI personnel led Mac to conclude in his affidavit that the CIA "has acted in bad faith in processing my FOIA request [and] that it has been begrudging in every respect with regard to searching for and identifying responsive documents." Kathy filed the affidavit on July 10, 1981, shortly after the CIA asked Judge Gasch to throw out the suit.

Bacon's letter to the public defender in San Francisco revealed something else much more serious, though: a new policy on processing requests. The CIA neglected to inform the court, or us. We learned of it by accident.

The CIA did not begin to work on our request until the spring of 1981. At that time, it narrowed its search to documents it had located by December 22, 1978, the date Mac agreed to limit his request.

When the CIA admitted using December 22, 1978 as a cut-off date at a hearing in October 1981, even Judge Gasch had to question the agency. How could it wait two years, he wondered, and then, when ordered by the court to process the request, include only those documents it uncovered two years earlier?

In response to a court-ordered explanation, Bacon filed a rambling 22-page affidavit which revealed that Mac's FOI request had been paired with another, made November 21, 1978. Bacon, and the CIA, asserted that any system which did not establish an early cut-off date

"would make a shambles of the CIA's already heavily backlogged system." Yet Bacon made the very point we were arguing.

> I should note that the 22 December date in fact resulted in a benefit to plaintiff -- namely, inclusion of documents originated between 6 December and 22 December.

The CIA tried to evade us in still another way. Throughout the summer and fall of 1981, the agency repeatedly claimed that the State Department and FBI documents located in its own files could not be released. They were not "agency records" in the legal sense. A memorandum filed at the time of the Bacon affidavit reiterated the agency's position that it lacked "control" over these papers.

Meanwhile, the two agencies gave us their decisions on the documents directly. The FBI, the source of one item, said it couldn't release the information because of "criminal proceedings". We assumed it meant the Larry Layton prosecution. The State Department, which generated the other 27 records, released most of its materials to us.

Knowing of the agencies' response and accepting the Bacon affidavit on the cut-off date issue, Judge Gasch granted the CIA's motion for summary judgment in January 1982. At the same time, he denied our request for an in camera inspection of the documents to determine if the CIA improperly withheld some. The case was closed in U.S. District Court.

A week later, we filed a notice of appeal in the U.S. Court of Appeals, D.C. Circuit. And we began all over again, as though three years hadn't elapsed. Mac filed a new FOI request, asking for everything he'd listed in his first request, and adding six more categories. I filed a separate request seeking documents on the House of Israel. Kathy wrote a letter to the CIA General Counsel, asking if the agency planned to publish its policy regarding cut-off dates in the Federal Register.

That fall, Judges Robert Bork, Skelly Wright and Harry Edwards heard oral arguments for the Court of Appeals. The CIA must have thought its national security claims would impress the three-judge panel. At one point, a U.S. attorney implied that the FOIA didn't apply equally to the CIA by announcing that the agency "isn't the Postal Commission." Judge Edwards replied, "The CIA is a public agency, not a private agency." Its obligations under the law are, in fact, the same.

Edwards then asked how the CIA actually processed FOIA requests. A lawyer for the CIA explained that he couldn't describe how the agency's filing system worked, for national security reasons. Edwards responded, "If that's your answer, that just won't do."

In January 1983, the panel reversed the lower court ruling and sent the case back to Judge Gasch with instructions to ensure agency compliance. In a strongly-worded decision, Judge Edwards outlined the court's opinion in the three main areas of the case.

First, the court did not believe that the cut-off date was reasonable. Edwards proposed a procedure which the court felt would "not appear unduly burdensome, expensive, or productive of 'administrative chaos.'" The timetable made the cut-off period commence when processing actually began. The court ordered Judge Gasch to evaluate the CIA's current practice, and to consider if any remedy were due.

Second, the court disagreed with the CIA and Judge Gasch that documents originating at the State Department and FBI were not CIA records, if they appeared in the agency's files during the search for relevant information. In fact, it noted a serious problem inherent in the opposite assumption:

> If records obtained from other agencies could not be reached by a FOIA request, an agency seeking to shield documents from the public could transfer the documents for safe-keeping to another government department. It could thereafter decline to afford requestors access to the materials on the ground that it lacked 'custody' of or 'control' over the records and had no duty to retrieve them.

Again the court proposed a sample procedure for handling documents which originate outside any agency, not just the CIA. The panel ordered the District Court to reconsider the CIA's claim that it could refer documents back to originating departments.

In offering both of its suggestions for processing FOI requests, the court warned the agency not to devise a scheme "fraught with excessive time delays." Speaking more directly to the statutory time limits of the FOIA, the opinion stated in its conclusion:

> We wish to make clear the spirit in which further proceedings in this case should be conducted... [The Freedom of In-

> formation Act] imposes on the courts the responsibility to ensure that agencies comply with their obligation to make records promptly available to any person who requests them unless a refusal to do so is justified by one of the Act's specific exclusive exemptions. Especially where, as here, an agency's responses to a request for information have been tardy and grudging, courts should make sure they do not abdicate their own duty.

Finally, the court did not feel that summary judgment was warranted. Two of the judges felt the CIA acted in bad faith.

> We find that the record contains significant evidence suggesting that the agency has not processed McGehee's request in good faith. Our conclusion is founded principally on the combination of two facts: First, it took almost two and one-half years before the CIA processed McGehee's reasonable straightforward request; indeed, the agency made no substantive response whatsoever until compelled to do so by order of the District Court. Second, the CIA failed to disclose the fact that it was using December 22, 1978 as a cut-off date.

Judge Bork dissented from the "bad faith" finding. He felt, "The CIA's performance here may be far from exemplary, but it appears attributable to bureaucratic inefficiency rather than to a desire to circumvent the law."

The "bad faith" conclusion was the most important aspect of the Court of Appeals decision to us. It carried a requirement that the District Court inspect CIA documents in camera.

Because the charge was grave, and the consequences could reveal the CIA's involvement in Jonestown, the agency petitioned the Court of Appeals for a rehearing before the same three-judge panel or an en banc hearing before all thirteen appellate court judges. The CIA argued that the "bad faith" judgment hurt its credibility, jeopardized the "reputations and careers" of the CIA employees who process FOIA requests, and concerned the "entire government."

In June 1983, without asking for a reply from our lawyer, the panel reversed its bad faith finding. Without

elaborating, the court simply stated, "we are persuaded by the agency's argument." The District Court's decision not to review the documents withheld under national security and statutory limitations would stand. The appeals court reaffirmed all other aspects of its original decision.

Kathy believed the court vacated the decision on the bad faith issue to avoid an unfavorable Supreme Court ruling. Besides, she reasoned, Judge Gasch would have been the one conducting the in camera proceedings. He probably would have upheld the exemptions. "I didn't seriously believe we'd ever see anything in those documents," she told us a few days after the decision.

Despite our disappointment, we still won a substantial victory. The D.C. Court of Appeals sent the CIA a clear mandate to reform its procedures to handle its FOIA requests expeditiously. That mandate still stands.

McGehee v. CIA went back to the District Court. At long last, the CIA released documents on Jim Jones, Leo Ryan, the House Foreign Affairs Committee investigation, the House Intelligence Committee investigation, and State Department cables.

Heavily-deleted pages from the Foreign Affairs investigation revealed that committee investigators asked the CIA for numerous name checks, in spite of the prohibition against CIA spying on American citizens. Staff members also asked that their names be withheld, although public officials, performing in the line of duty, are not eligible for Privacy Act protection. We learned that the committee provided the CIA with a 63-page report which the agency placed in its vault. The report, designated "secret" by the committee, cannot be released by the CIA.

A description of exempted material showed that the CIA withheld documents which revealed the location of covert CIA stations, or the location of unacknowledged CIA installations; the identity of undercover CIA employees; sensitive intelligence sources or foreign intelligence sources; "very specific" intelligence methods; and cryptonyms.

The CIA did release a memo which we felt might have indicated a cryptonym, or code word. It concerned a call in February 1979 from Bruce Keidan, a reporter for The Philadelphia Inquirer. According to the memo:

> Mr. Keidan said he would like to talk with somebody in CIA about information he has, but not necessarily with the Public

> Affairs people. He would be willing to talk on the record or off the record and passed on three subjects that he wanted to talk about: (1) ALBATROSS, (2) Tim Stoen, and (3) Soviet negotiations. He did not identify any of the three subjects further but felt that if those words had any meaning to this organization he would be glad to discuss them.

Albatross was the name of one of the Jonestown boats. Philip Blakey was one of the people on it on November 18, 1978.

In our last set of interrogatories, we asked the CIA to find the NOIWON cable mentioned in the Defense Department report, and to search its files for the State Department cable which notes the "necessary poison antidote." The CIA came up with neither.

Kathy did not believe we could ever force the Central Intelligence Agency to release information it did not want to release. Several exemptions in the Freedom of Information Act protect the CIA. Exemption 1 prevents release of records which are "properly classified ... in the interest of national defense or foreign policy." In addition, the CIA has Exemption 3, which protects information "specifically exempt from disclosure by statute", which it cites in conjunction with the secrecy requirements of the National Security Act of 1947. Moreover, Exemption 7 (d) specifically prevents disclosing the identity of CIA informants and confidential sources. Finally, in 1984, Congress gave the agency a special exemption which allows it to withhold its "operational files" from release.

The CIA's annual reports to Congress show that the agency is not reluctant to claim these exemptions, and during Ronald Reagan's presidency, their use has become more widespread than ever. During the Carter administration, agency claims of secrecy and national security had to be balanced against the public's right of access to government information. The Carter policy also required questionable claims to come down on the side of disclosure. That policy changed with an executive order signed by President Reagan, which made national security the sole consideration in an agency's decision of whether to classify a document. Secrecy is paramount, no matter what doubts may exist.

We are concerned that the CIA will use its new exemption in combination with the exemptions applicable to all federal agencies to hide embarrassing or illegal

acts. Like the secret war in Angola; the assassination of South American leftist leaders Salvador Allende in Chile and Che Guevara in Bolivia; destabilization in Indonesia; inaccurate predictions about the course of events in Iran, Cuba and Viet Nam; and drug-testing in the United States.

The CIA has already interfered in the internal affairs of Guyana. The involvement extended beyond Jonestown. In 1979, the People's National Congress considered allowing 100,000 Laotians to settle in Jonestown. These refugees had served in the Meo Army, which fought in the secret war in Laos under CIA guidance. Right-wing relief agencies in the U.S. offered to finance the move, but the Guyana public balked. The Meo Army didn't come.

Just as the CIA constantly seeks more protection from disclosures of its operations, it has also sought a relaxation of the restrictions placed on it during the mid-1970s. Early in the Carter Administration, the Justice Department issued a legal opinion which subverted the Hughes-Ryan Amendment. As a result, the CIA has routinely engaged in secret activities without prior Congressional approval. And with the knowledge of the President of the United States.

Additionally, at the end of 1981, President Reagan signed an executive order which allows the CIA to conduct covert operations on American citizens and organizations in the United States. The CIA's activities can't be aimed at influencing U.S. policies or politics, of course, nor can they violate our constitutional rights. But as the chairman of the House Subcommittee on Constitutional Rights observed, this puts "the CIA back in business in the United States with no oversight and a secret budget."

Many people go beyond that concern, and question whether the CIA has any business as an agency of a free society. In 1974, John Marks asked:

> Could any rational person, after surveying the history of the last 20 years, from Guatemala to Cuba to Vietnam -- and now Chile -- contend that the CIA's clandestine activities have yielded anything but a steady stream of disaster?

Fred Branfman, in Uncloaking the CIA, assessed the situation more harshly, writing that:

> The level of debate about the CIA must be raised beyond the questions of what is

> proper congressional oversight, which covert activities should be abolished, how we can separate intelligence-gathering from covert activities, and so on. It seems to me that the time has come to say that the CIA as it now exists cannot be controlled by Congress; it can only be abolished by Congress. It seems to me that the time has come to say that there is no distinction between intelligence-gathering and covert activities if your goal is totalitarian control, if an organization has become one characterized by the use of totalitarian methods and totalitarian ends.

The CIA has toppled foreign governments, financed strikes, incited riots, encouraged -- and executed -- political assassinations, all for the sake of our national security? And are we more secure?

Certainly the CIA's information on Jonestown might help answer that question. Did it have foreknowledge of the suicides, or of the assassination plans? Did it encourage the paranoia endemic in the community? Did it set up Ryan for a hit? If it did not know about Jonestown, why didn't it? Was the number of drugs present in Jonestown sufficient to characterize the project as a mind control experiment? And did the CIA sponsor the experiment?

We are seeking "conclusive evidence" which will either exonerate the agency or condemn it. The inconclusive evidence we've seen so far suggests that the CIA expanded its interest in Guyana to include 1000 Americans who set up a community in that country. The inconclusive evidence hints of CIA monitoring, and perhaps infiltration and manipulation, of Jonestown activities. The inconclusive evidence indicates the CIA knew more about the suicides than it has told anyone.

The people of Jonestown were American citizens. If the CIA knew what was going to happen, and let it, then Fred Branfman is right when he says that, "the major enemy ... will not be the KGB or the Chinese or anyone else abroad. It will be the CIA."

The appeals court decision in McGehee v. CIA won't solve any of these problems. But the ruling will benefit other people seeking access to government information under the FOIA. According to one Washington lawyer, several federal agencies interpreted the original appellate court decision as a signal to remove administrative roadblocks they had erected for FOI requestors.

They feared bad faith findings on their own procedures. Now that that aspect of the decision has been retracted, the lawyer said, the agencies "might fall back on their old habits." On the other hand, the fact that a court was willing to examine an agency's FOI procedures as closely as the appeals court did might act as a deterrent against a resumption of old practices.

In the meantime, other agencies besides the CIA will go along with the specific procedural findings of the case. Shortly after the original decision in January 1983, John Fox, attorney for the Office of Federal Contract Compliance Practices within the Department of Labor, said, "I ordered our agency to comply with McGehee v. CIA on the cut-off date policy." That order remains in effect.

The courts are also judging other FOI cases in light of the decision in our case, and ruling in favor of requestors. A month after vacating the bad faith finding, the U.S. Court of Appeals for the District of Columbia could still cite McGehee v. CIA as authority when it ruled against the CIA's transfer of documents to another agency to avoid disclosure (Paisley v. CIA, #82-1977, July 22, 1983).

Our own experience shows how aware the agencies are of our case. When Mac called the Department of Energy recently to ask questions about an unrelated request, the FOI caseworker asked: "Is this the same McGehee of McGehee versus CIA?"

We never imagined a response like that when we filed our initial request in December 1978. Our purpose then, and now, is to find out what connections the CIA had to Peoples Temple and the deaths in Jonestown. And, in spite of McGehee v. CIA, we still don't know.